

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANDREW CORZO, SIA HENRY, ALEXANDER LEO-
GUERRA, MICHAEL MAERLENDER, BRANDON
PIYEVSKY, BENJAMIN SHUMATE, BRITTANY
TATIANA WEAVER, and CAMERON WILLIAMS,
individually and on behalf of all others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA INSTITUTE
OF TECHNOLOGY, UNIVERSITY OF CHICAGO,
THE TRUSTEES OF COLUMBIA UNIVERSITY IN
THE CITY OF NEW YORK, CORNELL
UNIVERSITY, TRUSTEES OF DARTMOUTH
COLLEGE, DUKE UNIVERSITY, EMORY
UNIVERSITY, GEORGETOWN UNIVERSITY, THE
JOHNS HOPKINS UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY, NORTHWESTERN
UNIVERSITY, UNIVERSITY OF NOTRE DAME DU
LAC, THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY, and
YALE UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125

Hon. Matthew F. Kennelly

**JOINT STATUS REPORT
February 15, 2024**

I. JOINT REQUEST REGARDING THE UPCOMING CASE MANAGEMENT CONFERENCE

The only current issue in dispute relates to FERPA records. The Court has scheduled a separate hearing on February 22, 2024 at 9:30 AM to address this issue and the parties can address any questions the Court has regarding case status at that hearing. Therefore, the parties request that this Court cancel the Case Management Conference set for 1:00 PM on February 22, 2024.

II. PLAINTIFFS' STATEMENT OF RELEVANT ISSUES

A. Completed and Pending Depositions

Since the January 11, 2024 report, Plaintiffs have taken approximately another eleven depositions. In addition, at this point Plaintiff has noticed all of Defendants' Fed. R. Civ. P. ("Rule") 30(b)(6) depositions, as well as Rule 30(b)(6) depositions of all remaining third-party universities it intends to notice. Not including the Rule 30(b)(6) depositions, another fourteen depositions are scheduled, with a handful remaining formally or informally noticed but not yet scheduled.

B. Resolution of 10-Deposition Cap and Penn Rule 30(b)(6) Disputes

The Plaintiffs had productive meet and confers with Notre Dame, Cornell, and Penn regarding the 10-deposition cap and Rule 30(b)(6) disputes raised in the prior JSR.

For Notre Dame, Plaintiffs withdrew some depositions and agreed to sequence the Rule 30(b)(6) deposition so the parties could determine if that deposition obviated the need for additional testimony that would take Plaintiffs beyond the 10-deposition limit.

For Cornell, Plaintiffs withdrew some depositions on the understanding that a specific witness would be part of the preparation process for certain Rule 30(b)(6) deposition topics.

And for Penn, both parties compromised and were ultimately able to agree to the temporal and substantive scope of Rule 30(b)(6) deposition topics.

Plaintiffs also filed the amended and supplemental interrogatory responses on the February 7, 2024 deadline. Though Plaintiffs only heard about Defendants' potential and premature concerns with the responses in a late-afternoon draft of the JSR on February 15, 2024, they will work with Defendants in good faith to resolve their misapprehensions. In particular, Plaintiffs dispute that the responses reveal any new theories of liability. Plaintiffs dispute that any further written discovery is required, and to the extent the Court allows such discovery, Plaintiffs would reserve the right to also conduct additional written discovery.

C. FERPA-Related Records

On January 23, 2024, the Court entered an Order granting in part Plaintiffs' motion (ECF 540) to compel Defendants Penn and Georgetown to produce certain documents and information regarding the students who have not objected to the production of their FERPA-related records (the "non-objecting students") (Cornell has no non-objecting students). ECF 602. In the Order, the Court stated that Plaintiffs' request for additional documents from those Defendants' President's and Development Offices was "tabled pending plaintiffs review of the produced materials" and took "under advisement" Plaintiffs' motion (ECF 561) requesting the Court compel Defendants Cornell, Georgetown, and Penn to produce "FERPA-related materials for objecting students." ECF 602. With respect to the non-objecting students, the Court explained that Penn and Georgetown needed to act quickly to get the first tranche of documents "in the plaintiffs' hands so they can look at it" and "then we're going to revisit this." Jan. 23, 2024 Hearing Tr. 17:7-12. The Court also ordered that after Plaintiffs had reviewed the documents, they should "get a status report to me where the plaintiffs are basically going to tell me, okay, here's what we got, and here's exactly what we need and here's why we need it." *Id.* at 13-16.

On January 31 and February 1, Penn and Georgetown produced documents in response to the Court's January 23 Order. Plaintiffs reviewed those documents, and on February 9, 2024 filed the Status Report requested by the Court. In that Report, Plaintiffs request that the Court, in addition to the relief already granted (ECF 602), grant Plaintiffs' motion to compel as to both non-objecting and objecting students (ECF 540 and 561, respectively) in their entirety, and that the Court enter to the Proposed Order submitted with the Report.

III. DEFENDANTS' STATEMENT OF RELEVANT ISSUES

A. Discovery Update

In total, the parties have at this point taken more than 70 depositions. Defendants have deposed all named Plaintiffs and are coordinating with Plaintiffs regarding a follow-up deposition of Plaintiff Britany Tatiana Weaver. Since the January 11, 2024 report, Plaintiffs have taken eleven depositions. In total, fourteen depositions are currently scheduled, and approximately eighteen more have been noticed but are not yet scheduled.

Defendants have also continued to make document productions since the last status conference and the total number of documents produced by all Defendants (both current and settling) is more than 1 million.

The parties resolved several discovery disputes since the last hearing, including disputes between Plaintiffs and Notre Dame and Cornell regarding the 10-deposition cap. Penn and Plaintiffs also reached agreement regarding the scope of Plaintiffs' 30(b)(6) Notice to Penn.

Plaintiffs recently served 30(b)(6) Notices on Defendants CalTech, Cornell, Georgetown, Johns Hopkins, MIT, and Notre Dame. Plaintiffs identified between three and four dozen topics in each. Defendants are reviewing and will meet and confer with Plaintiffs as warranted regarding the scope of Plaintiffs' proposed topics.

Both sides have been and are continuing to pursue non-party discovery. Some document productions and depositions of non-parties may not be completed by the close of discovery on March 20. The parties will work together to come to agreements and ensure this is completed shortly after the deadline.

In addition, Plaintiffs served amended interrogatory responses last week. Defendants are still reviewing the responses, but it is likely that, as Defendants discussed with the Court at the November 28 status conference, Defendants will need to serve some additional follow-up discovery to test Plaintiffs' newly-revealed theories of liability. *See* Nov. 28, 2023 Hrg Tr. 12:5-22 (Counsel for Penn discussing potential need for follow-up discovery pending review of Interrogatory responses); 20:19-23 (Court response).¹

B. FERPA-Related Records

Plaintiffs filed a separate status report on February 9, 2024 regarding the FERPA-related records. Pursuant to this Court's Order (ECF No. 612), the pertinent Defendants will respond to that status report by February 16, 2024 in advance of a hearing set for February 22, 2024 at 9:30 AM.

Dated: February 15, 2024

Respectfully Submitted,

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¹ It is unclear why Plaintiffs would need to serve additional written discovery based on their own interrogatory responses, and it is likely just a "tit for tat" threat to discourage Defendants from seeking additional discovery.

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